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Signature

Dally, Hector

PATENT APPLICATION

DAC

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Porubek *et al.*

Group Art Unit: 1202

Application No.: 08/328,632

Examiner: M. Berch

Filed: October 25, 1994

Docket No.: 0204

For: COMPOUNDS HAVING SELECTIVE HYDROLYTIC POTENTIAL

PETITION UNDER 37 C.F.R. §1.137(a)

Box DAC

Assistant Commissioner for Patents
Washington, DC 20231

JUL 1 1996
OFFICE OF PETITIONS

Sir:

Applicants hereby petition that the Assistant Commissioner to revive the above-captioned patent application. On May 17, 1996, Applicants received a Notice of Abandonment dated May 14, 1996. Applicants submit that the Notice of Abandonment and reason stated therein are in error and respectfully request that the Patent Office acknowledge current pendency of the above-captioned application, based on the following facts:

1. On March 21, 1996, Applicants filed: 1) an Amendment in response to an Office Action dated September 21, 1995; 2) a Small Entity Petition for three months extension of time; and 3) postage pre-paid postcard receipt. For convenience, Applicants attach a copy of Applicants' previously filed correspondence.
2. Mr. Stephen Facsizewski signed a mailing certificate on the Amendment attesting his deposit of the above-named correspondence with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Honorable Assistant Commissioner for Patents, Box Non-Fee Amendment, Washington, DC on March 21, 1996.
3. Applicants attach a copy of the postcard receipt bearing a March 28, 1996, date stamp of the mailroom in the Patent Office.

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In view of the foregoing facts, Applicants respectfully submit that Applicants' Response to the September 21, 1995, Office Action was timely filed in accordance with the provisions of 37 C.F.R. §1.8, and that the Notice of Abandonment was sent in error.

Under 37 C.F.R. §1.137(a) this Petition is being filed promptly after receiving the Notice of Abandonment; specifically requests continuing prosecution of the application; and confirms that the Notice of Abandonment was sent in error. In addition, although Applicants respectfully submit that because the Notice of Abandonment was sent in error, Applicants should not have to pay the \$55.00 (small entity) petition fee as set forth in 37 CFR §1.17(e), Applicants authorize the Assistant Commissioner to charge the petition fee and any additional fee or credit any overpayment associated with this communication to Deposit Account No. 03-1182.

Accordingly, Applicants respectfully request that the Amendment and accompanying documents filed March 21, 1996, be immediately forwarded to Examiner Berch for consideration on the merits, and that the Patent Office send written acknowledgement of this error to Applicant's undersigned representative.

Respectfully submitted,



Stephen Faciszewski
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Registration No. 36,131

Date: June 14, 1996

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